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Attorney for Defendants, Robert Anthony Brown,
individually and as Law Offices of Robert A. Brown,
and Acquiplied Assets, B.T.

FILED & ENTERED

SEP 21 2017

CLERK U.S. BANKRUPTCY COURT
Central District of California
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NOT FOR PUBLICATION

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA

In re:)	Case No. 2:16-bk-25444-RK
Wladimir John Klimenko,)	Adversary Case No. 2:17-ap-01217-RK
Debtor.)	ORDER GRANTING MOTION TO DISMISS
)	WITH LEAVE TO AMEND(Fed.R.Civ. P. 12(b)(6))
Rosendo Gonzalez,)	Date: September 12, 2017
Plaintiff,)	Time: 3:00 P.M. (Advanced from 3:30 P.M.)
vs.)	Place: Courtroom 1675
Robert Anthony Brown, et al.,)	Hon. Robert N. Kwan, Judge
Defendants.)	

On the motion of defendants, Robert Anthony Brown, individually and as Law Offices of Robert Brown, and Acquiplied Assets, B.T. ("Defendants"), to dismiss the Complaint of plaintiff, Chapter 7 Trustee, Rosendo Gonzalez, pursuant to Federal Rules of Civil Procedure 12(b)(6), applied in this court pursuant to Federal Rule of Bankruptcy Procedure 7012, the court orders as follows.

Defendants' motion is granted on the ground that the alleged triggering creditor, Olague, is a secured judgment lien creditor as opposed to alleging an unsecured creditor as the basis of the estate's claims against these defendants under 11 U.S.C. § 544(b)(1). All other issues are reserved by the parties. The First Amended Complaint is dismissed with leave to amend.

The parties represented to the court that settlement discussions and discovery are on-going. Mr. Brown represented that he would be on vacation commencing the second week of December

1 2017 through the first week of January 2018. The court hereby extends the date for filing and
2 service of plaintiff's Second Amended Complaint, if any, to December 1, 2017. The
3 responsive pleadings of these defendants and the other defendants must be filed and served on or
4 before January 19, 2018.
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6 The parties must file a Joint Status Report on or before February 20, 2018. A further
7 Status Conference is set for February 27, 2018 at 1:30 P.M. before the undersigned United States
8 Bankruptcy Judge in Courtroom 1675, Roybal Federal Building, 255 East Temple St., Los
9 Angeles, California.

10 IT IS SO ORDERED.

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23 Date: September 21, 2017



24 Robert Kwan
United States Bankruptcy Judge
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